

IN RE: PETITION FOR VARIANCE
SW R/W Line of Richardson Ave.
101.3' SE of Featherbed Lane
(Parcel 1), and NW R/W Line of
Orchard Street, 129.55' SW of
Richardson Ave. (Parcel 2)
2nd Election District
2nd Councilmanic District
John L. Jeffries, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-28-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, John L. and Kathryn E. Jeffries. At the request of a nearby property owner, a public hearing was scheduled to determine the appropriateness of the relief requested. The Petitioners seek relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 7 feet in lieu of the required 10 feet for a proposed addition to the existing dwelling, a rear yard setback of 9 inches in lieu of the required 10 feet for an existing garage, and a side street setback of 14 feet, 9 inches in lieu of the required 25 feet for the existing dwelling. All as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petition was John L. Jeffries, property owner. Although a public hearing was scheduled at the request of Eric L. Bers, Professional Engineer, on behalf of Facesetter Homes, Inc., he did not appear at the hearing to testify in opposition to the request and there were no other Protestants present at the hearing. It was noted at the hearing that Mr. Bers is a developer and owns several pieces of land in the vicinity of the subject site.

Testimony indicated that the subject property, known as 6714 Meekins Avenue, consists of 6,570 sq.ft. zoned D.R. 5.5 and is improved

with a two-story dwelling and one-story garage, which has been attached to the dwelling by way of an open deck. The Petitioners are desirous of adding a 6' x 26' one-story addition to the rear of the existing dwelling to provide two additional bedrooms and one bath on the first floor. Testimony revealed that the existing dwelling was built over 50 years ago with only one bedroom and is no longer suitable for the Petitioners' growing family. Due to the narrow width of the lot and the location of existing improvements thereon, the requested variance from rear yard setback requirements is necessary in order to proceed as proposed. Mr. Jeffries testified that the proposed addition will be constructed with similar materials to match those used on the existing dwelling. The Petitioner offered photographs of his property depicting a very neat and aesthetically pleasing home and yard. Further testimony indicated that the remaining variances are necessary in order to bring the property into compliance with current zoning regulations.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

- 2 -

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of October, 1993 that the Petition for Administrative Variance requesting relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 7 feet in lieu of the required 10 feet for a proposed addition to the existing dwelling, a rear yard setback of 9 inches in lieu of the required 10 feet for an existing garage, and a side street setback of 14 feet, 9 inches in lieu of the required 25 feet for the existing dwelling,

in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 10/27/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 10/27/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 10/27/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 10/27/93
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 27, 1993

Mr. & Mrs. John L. Jeffries
6714 Meekins Avenue
Baltimore, Maryland 21207

RE: PETITION FOR ADMINISTRATIVE VARIANCE
SW R/W Line of Richardson Ave., 301.3' SE of Featherbed Lane
(Parcel 1), and NW R/W Line of Orchard Street, 129.55' SW of
Richardson Ave. (Parcel 2)
2nd Election District - 2nd Councilmanic District
John L. Jeffries, et ux - Petitioners
Case No. 94-28-A

Dear Mr. & Mrs. Jeffries:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Eric L. Bers, President
Facesetter Homes, Inc., P.O. Box 841, Ellicott City, Md. 21041

People's Counsel
file



Petition for Administrative Variance 94-28-A to the Zoning Commissioner of Baltimore County

for the property located at 6714 Meekins Ave. Balt. MD 21207
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 TO REAR YARD SETBACKS IN LIEU OF THE REQUIRED 10' FOR A PROPOSED ADDITION & EXISTING GARAGE W/C IN PART OF THE PRINCIPAL BUILDING BY AN ATTACHED DECK. (Lots are recombined because of deck). And to allow a 14'9" setbacks in lieu of the required 25' setbacks from the side street. Due home currently has one bedroom. We recently had a baby and the home is now too small. We would like to add two bedrooms and a bath on the first floor. See photos and plat to understand why the addition can only be placed in the proposed area. To make it large enough it needs to be 7 feet from the property line. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zip/Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zip/Code

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

John L. Jeffries

(Type or Print Name)

[Signature]

Kathryn E. Jeffries

(Type or Print Name)

[Signature]

6714 Meekins Ave. (410) 298-5287

Address

Balt. Md. 21207

City, State and phone number of representative to be contacted

John L. Jeffries

Name

6714 Meekins Ave. (410) 298-5287

Address

City

State

Zip/Code

A Public Hearing having been requested and/or held as required, it is ordered by the Zoning Commissioner of Baltimore County, this 27th day of October, 1993, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

Zoning Commissioner of Baltimore County

REVIEWED BY: JF DATE: 7/17/93
ESTIMATED POSTING DATE: 8/8/93

ITEM #: 29

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify hereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/are presently reside at 6714 Meekins Ave

Balt. Md. 21207

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

Our home currently has one bedroom. We recently had a baby and the home is too small. We would like to add two bedrooms and a bath to the first floor. See photos and plat to understand why the addition can only be placed in the proposed area. To make it large enough it needs to be 7 feet from the property line.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature] *[Signature]*
John L. Jeffries Kathryn E. Jeffries
Affiant(s)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16 day of July, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

7-16-93

My Commission Expires: 7-26-96

[Signature]
NOTARY PUBLIC

SHANABERGER & LANE

Surveying • Land Planning • Construction Stakeout

ZONING DESCRIPTION

PARCELS 1 AND 2

PROPERTY OF JOHN L. JEFFRIES AND KATHRYN E. JEFFRIES

Election District 2 Councilmanic District 2

FIRST PARCEL

Beginning at a point on the southwest right-of-way line of Richardson Avenue (40 feet wide) at a distance of 301.3 feet continuously from the southeast of Featherbed Lane (30 feet wide), thence the following courses and distances:

1. South 48° 59' 36" East (along the southeast side of Richardson Ave.) a distance of 38.40 feet, thence
2. South 41° 09' 24" West (along the northwest side of Orchard Street, 40 feet wide) a distance of 109.35 feet, thence
3. North 48° 59' 36" West a distance of 38.40 feet, thence
4. North 41° 09' 24" East a distance of 109.35 feet to the place of beginning as recorded in Liber 7883, Page 133.

Containing 6,390 square feet, or 0.1469 acres of land, more or less.

SECOND PARCEL

Beginning at a point on the southwest right-of-way line of Orchard Street (40 feet wide) at a distance of 129.35 feet continuously from the southeast of Richardson Avenue (40 feet wide), thence the following courses and distances:

1. South 41° 09' 24" West (along the northwest side of Orchard Street) a distance of 112.39 feet, thence
2. North 48° 59' 36" West (along the southeast side of Meekins Street, 40 feet wide) a distance of 38.40 feet, thence
3. North 41° 09' 24" East a distance of 112.39 feet, thence
4. South 48° 59' 36" East a distance of 109.35 feet to the place of beginning as recorded in Liber 7883, Page 133.

Containing 6,570 square feet, or 0.1508 acres of land, more or less.

The improvements shown being shown on 6714 Meekins Avenue.

Sheet 37.000

#29

8786 Town and Country Boulevard • Suite 107 • Ellicott City, Maryland 21043 • (410) 461-9863

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 6714 Meekins Ave

Subdivision name: Richardson Heights

plat book 7, folio 118, section C

OWNER: John & Kathryn Jeffries

94-28-A

Subdivision: Richardson Heights
Tax lot # 18-00-005738 44 5 Tax lot # 18-00-005732 44 8

Richardson Heights & Sewer
Richardson Rd.
40' R/W
SUBSISTENCE ST.
7885/153

ORCHARD ST
40' R/W

PETITIONER'S EXHIBIT

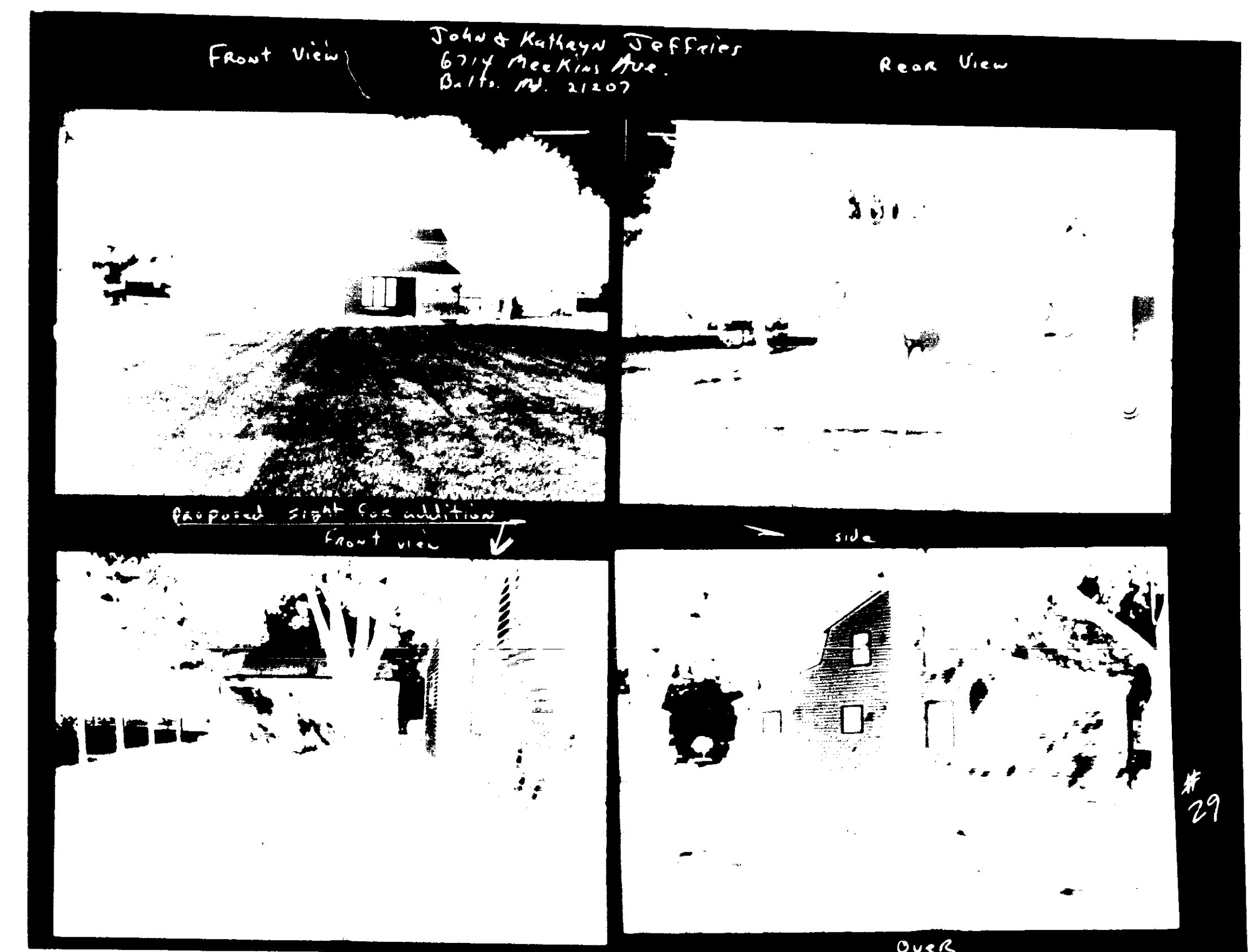
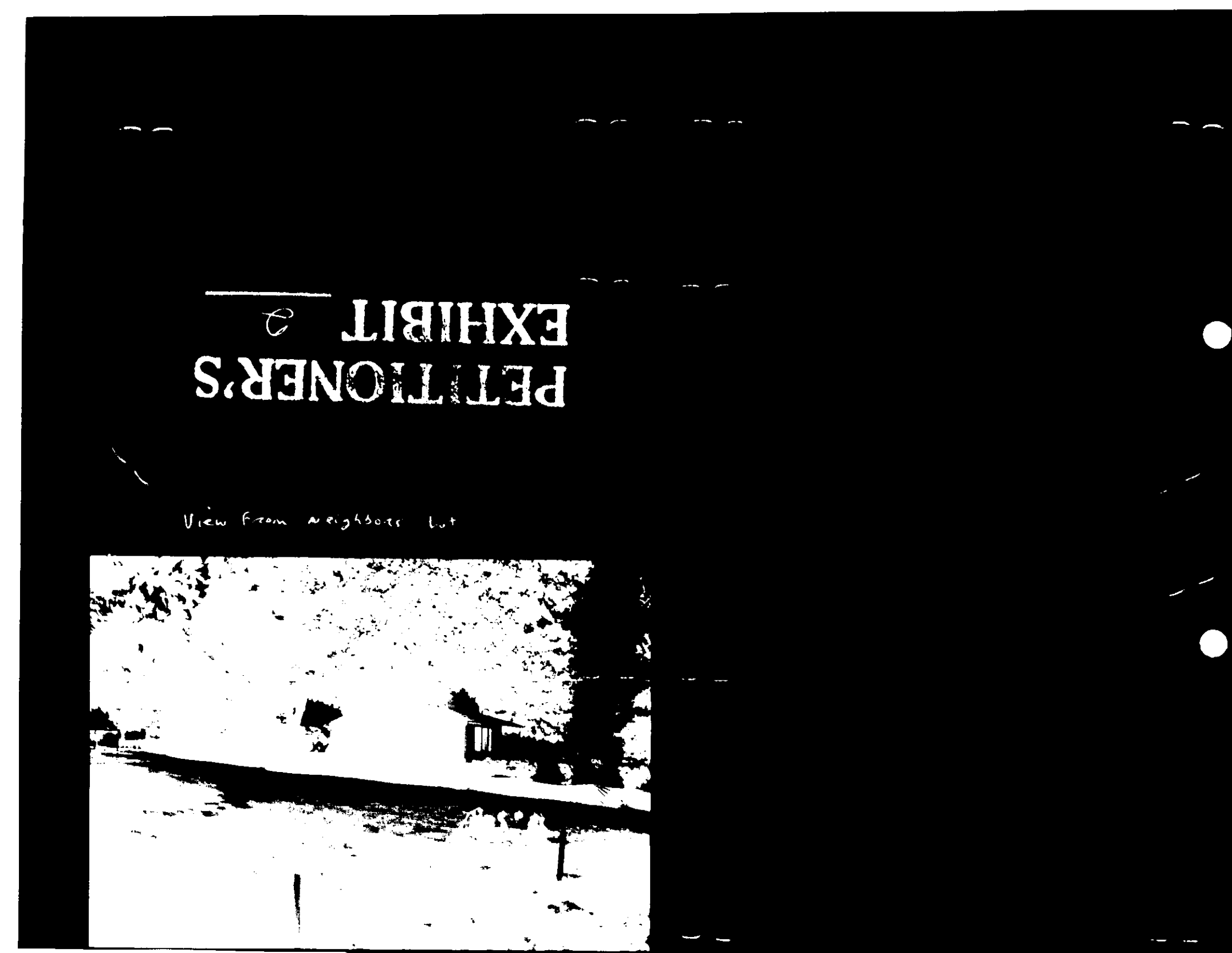
North
date: 7/15/83
prepared by: John Jeffries Scale of Drawing: 1" = 30'

LOCATION INFORMATION

Election District: 2
Councilmanic District: 2
1"-200' scale map: NW F-3
Zoning: UR S-5
Lot size: 6,570 square feet

SEWER: ☐ ☒ ☐
WATER: ☐ ☒ ☐
Chesapeake Bay Critical Area: ☐ ☒ ☐
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!
reviewed by: JF ITEM #: 29 CASE#:





L-SE
L-NE

#29

94-28-A

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		SCALE	LOCATION	SHEET
Topographic	BY MAPS INC. CH	DATE 4-11-70 1-5-71	1" = 200'	WOODLAWN
Topography Compiled By Photogrammetric Methods AERO SERVICE CORPORATION PHILADELPHIA, PA.		DATE OF PHOTOGRAPHY APRIL 1953		N.W. 3-F